



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Jarrett L. RINALDI, et al.

Serial No.: 09/965,234

Group Art Unit: 2827

Filed: September 25, 2001

Examiner: J. Mitchell

FOR: MULTI-STACK SURFACE MOUNT LIGHT EMITTING DIODES

**RESPONSE UNDER 37 C.F.R. § 1.116**

Mail Stop: AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action mailed September 4, 2003, applicants offer the following remarks.

**REMARKS**

Claims 21-31 are pending in the application for reconsideration. All claims stand rejected. A Notice of Appeal is filed concurrently herewith.

Claim 21 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse this rejection for the following reasons.

The office action asserts that the specification does not describe "a plurality of light emitting diode die formed on the integrated circuit substrate" in such a way as to reasonably convey to one skilled in the art that the applicants were in possession of the claimed invention at the time the application was filed. This is simply incorrect.

Reference is made throughout the specification to an LED wafer together with various combinations of two or more LEDs on the wafer (e.g. see Fig. 4). Accordingly, there is ample support in the specification for a plurality of light emitting diode die (e.g. two or more LEDs) formed on the integrated circuit substrate (e.g. the LED wafer).